

Assembly Bill No. 855

Passed the Assembly June 2, 2005

Chief Clerk of the Assembly

Passed the Senate September 1, 2005

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to repeal and add Section 11251.3 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 855, Bass. CalWORKs.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families.

Under federal law, an individual convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance, as defined, shall not be eligible for assistance under any state program funded under provisions of federal law regarding the TANF program. Existing law authorizes a state to exempt any or all individuals domiciled in the state from the application of this prohibition.

Existing law provides that an individual who has been convicted in state or federal court of a felony that has as an element the possession, use, or distribution of a controlled substance, as defined under federal law or the California Uniform Controlled Substances Act, is ineligible for aid under the CalWORKs program. Existing law also requires a county to issue vouchers or vendor payments for at least rent and utilities payments for a family receiving aid that includes an individual who is ineligible for aid pursuant to these provisions.

This bill would, instead, provide that, with certain exceptions, a person convicted of drug-related felonies shall be eligible to receive CalWORKs benefits if he or she meets certain conditions of eligibility. This bill would retain the existing law requirement that a county issue vouchers or vendor payments for at least rent

and utilities payments for a family receiving aid that includes an ineligible individual.

By revising standards of eligibility for benefits under the CalWORKs program, this bill would increase the responsibilities of counties, and would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county aid grant costs under the CalWORKs program.

This bill would instead provide that no appropriation would be made for purposes of the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 11251.3 of the Welfare and Institutions Code, as added by Section 1 of Chapter 283 of the Statutes of 1997, is repealed.

SEC. 2. Section 11251.3 of the Welfare and Institutions Code, as added by Section 1 of Chapter 284 of the Statutes of 1997, is repealed.

SEC. 3. Section 11251.3 is added to the Welfare and Institutions Code, to read:

11251.3. (a) Subject to the limitations of subdivisions (b), (c) and (d), pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C. Sec. 862a(d)(1)(A)), California opts out of the provisions of Section 115(a) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(1)), and persons convicted of drug-related felonies shall be eligible to receive CalWORKs under this section.

(b) Subdivision (a) does not apply to a person who has been convicted of unlawfully transporting, importing into this state, selling, furnishing, administering, giving away, possessing for sale, purchasing for purposes of sale, manufacturing a controlled substance, possessing precursors with the intent to manufacture a

controlled substance, or cultivating, harvesting, or processing marijuana or any part thereof pursuant to Section 11358 of the Health and Safety Code.

(c) Subdivision (a) does not apply to a person who has been convicted of unlawfully soliciting, inducing, encouraging, or intimidating a minor to participate in any activity listed in subdivision (b).

(d) As a condition of eligibility to receive CalWORKs pursuant to subdivision (a), an applicant convicted of a drug-related felony that is not excluded under subdivision (b) or (c) shall be required to provide proof of one of the following subsequent to the most recent drug-related conviction:

(1) Completion of a government-recognized drug treatment program.

(2) Participation in a government-recognized drug treatment program.

(3) Enrollment in a government-recognized drug treatment program.

(4) Placement on a waiting list for a government-recognized drug treatment program.

(5) Other evidence that the illegal use of controlled substances has ceased, as established by the State Department of Social Services regulations.

(e) A county shall issue vendor or voucher payments for at least rent and utility payments for a family receiving aid under this chapter that includes an individual who is ineligible pursuant to this section.

(f) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this section through an all-county letter or similar instructions from the director no later than January 1, 2006.

(g) (1) The department shall adopt regulations as otherwise necessary to implement this section no later than July 1, 2006. Emergency regulations adopted for implementation of this section may be adopted by the director in accordance with the Administrative Procedure Act.

(2) The adoption of emergency regulations shall be deemed to be an emergency and necessary for immediate preservation of the public peace, health and safety, or general welfare. The

emergency regulations shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days.

SEC. 4. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of this act.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2005

Governor